

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10385 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO
1 to 5 NO

HIMADRI TEXTILE MILLS

Versus

CHATURBHAI HIRABHAI PATEL

Appearance:

1. Special Civil Application No. 10385 of 2001
NANAVATI & NANAVATI for Petitioner
MR KV GADHIA for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 24/04/2002

ORAL JUDGEMENT

1. RULE. The learned counsel for the petitioner

waives service.

2. The learned counsel for the parties have placed on record the consent terms, in terms of which the disputes between the parties have been settled. The parties are also present in the Court. According to the request, order is made, in terms of the consent terms, as under, and the impugned order of the Industrial Court stands modified accordingly:

- "1. That the parties hereto agree that Shri Chaturbhai Haribhai Patel-Respondent herein (hereinafter referred to as "the Respondent Employee" for the sake of brevity) will be reinstated in service with continuity as "Assistant Tackler" within one week from the date of the settlement. He will be treated as permanent employee.
2. That the Respondent Employee will be paid 20% backwages (i.e. wages, privilege leave amount and bonus) from the date of his alleged termination i.e. from 9.1.1992 till he is reinstated in service. The amount of back wages will be paid within two months from the date of the settlement.
3. That the Respondent Employee agrees and undertakes that he will work sincerely and to the utmost satisfaction of the superior authorities.
4. That the Respondent Employee further agrees and undertakes to withdraw Application Nos.16 of 1992 and 146 of 1992 pending before the Labour Court at Ahmedabad filed against the Petitioner Mills. The Respondent Employee further agrees and undertakes to withdraw any other proceedings filed by him before the Labour Court or before any authorities as he does not have any type of claim against the Petitioner Mills involving any financial implications.
5. The Respondent Employee agrees and undertakes that now he has no claim of whatsoever nature against the Petitioner Mills and if at all any claim is there, then he has voluntarily given up the same".

Rule is made absolute accordingly with no order as to costs.

Sd/-

(D.H.Waghela, J.)

24.4.2002

(KMG Thilake)